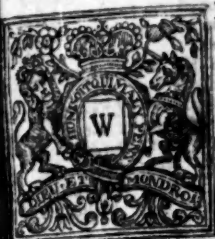


The Daily Gazetteer.

SATURDAY, JULY 26. 1735.

No. 24.

A Discourse on the Antiquity of Parliaments ;
shewing about what Time, and by what
Means the People came to be represented.

WE have already shewn by undoubted Facts and plain Argument, That, from the Norman Conquest, during the Space of two or three hundred Years, the Great Councils or Parliaments of England, were neither composed of the People, nor chosen by the People; and that Liberty was so far from

being our ancient Inheritance, that the old English were Slaves by Law established: 'Tis therefore most wretched Sophistry that the Author we are contending with is driven to, when, after all his pompous swelling Expressions of the People of England, the whole People, and the Populus Universus having a Share in the Legislature, he is forced to own, he means by the whole People, only the People of Property at that Time; and then adds, that all the People without Property are excluded now from any Share in the Legislature, either personally or by Representation.

THIS is very true, but nothing to his Purpose: because the People of Property at this Time may be justly called the People of England; but not so in our Author's Times. The People have now the Property of the Kingdom in their own Hands; the Commons of England possess seventeen twenty Parts of the Lands of England; whereas, in the Times we are writing of, the Property of the Kingdom was in the Hands of a few Men, the King, the Church, and those great Persons, who, whether Barons or not, held of the King in Capite. But will any Man in his Senses call this small Number of Proprietors of the Land the People, the whole People, the Universal People, when, in all Probability, they were not above two or three Thousand out of four or five Millions; for we may, I believe, allow, that there were half the Number of Inhabitants then of what we have now, and now we have about eight Millions.

BUT farther, it ought to be considered, that this Handful of Men of Property, whom our Author calls the whole People, did not choose one Member of Parliament, nor send one Person to the Great Councils; but the King sent for whom he pleased by particular Letters to the greater Tenants or Barons, and by a general Letter to his Sheriffs and Bailiffs, to summon whom they pleased of his lesser Tenants in Capite; so that what this Author calls the whole People of England was not the thousandth Part of them; nor did that thousandth Part choose any Members of Parliament, or represent the People; but were themselves sent for at the King's Pleasure.

THIS being a true State of the Case for above two hundred Years after the Conquest; we will now enquire, How Choice and Representation came in; and shew, by what Means, Occasions, and Circumstances, the People obtained the Privilege of being represented.

'Tis an undoubted Maxim, that Power always follows Property: While the People therefore had no Property, 'twas impossible they should have Power; and this Argument from the Nature of Things, weighs down a thousand Authorities, and is stronger than all the general Expressions of all our Historians put together. Reason must never give Way to what is called Fact; but that supposed Fact must always submit to Reason. 'Tis Demonstration, that the People having no Property, could have no Power; but as they gradually got Property, they obtained Power and Privileges. Various Occasions and Circumstances made Way for this mighty Change of Property from the Hands of a few great Men to the People.

THE first Reason of the Increase of the Number of Men of Property seems to be this: All the Lands of England being held of the King, either immediately or mediately, by military Service or Knights Fees, the great Fees came, in Process of Time, to be divided into small ones, by Coheship, by Sale, and various other Ways, parcelled out by the King's License into half Fees, third, fourth Parts, eight, sixteen, twenty, thirty and forty Parts of Fees. As the Number of these little Proprietors of Land increased, so they were all obliged to the same Service, and Suit of County, and Hundred

Courts, as those who had the greater Fees, and who were, before this Division, the only legales Homines or legal Men that chose and served on Juries, and dispatched all Country Business under the Officers.

THESE Possessors of small Shares of Fees, with the greater military Tenants, were the Men that, in all Probability, at first chose two Knights in every County, out of the Tenants in Capite; and only they, as Suitors to the County-Court, were Electors, when the Body of them began to be represented, which seems to be the Reason of the Statute made 7th Hen. IV. That the Election should be made in the County Court by the Suitors, &c. and also might be the Reason, why the Statute of the 8th Hen. VI. (by which a Man that had forty Shillings per Annum of any Tenure, was permitted to be an Elector) was altered 10th Hen. VI. and so explained, that none but FREEHOLDERS of forty Shillings per Annum should, for the future, be Electors. This Act, I say, might be made on Purpose to exclude the least Part of Knights Fees (viz. forty Shillings per Annum) which were come into the Hands of very ordinary Men, from having a Share in Elections.

THERE have been very long and warm Debates among Historians and Politicians, concerning the Time when the People began to be Represented: But, as all Charters and Records are silent, and no Writ appears, before the Close of Henry III. and considering also that, at this Time, and in this Parliament, the Wages for Parliament Men were first nominated and settled; I am fully convinced, that Montfort Earl of Leicester, and his Party, (apprehending the Concourse of Nobility on the King's Side, with their great Retinues, would be too hard for them at the Meeting of the Parliament) ALTER'D the ancient Usage of summoning to Great Councils: And that this Apprehension was the Reason of their directing, and, in the King's Name, commanding the Sheriffs of each County, the Cities, and Boroughs, to send two Knights, Citizens, and Burgesses; tho' it doth not appear, whether the Sheriffs or the Counties, were to elect and send these Knights. It might be the Sheriffs themselves; for, so it used to be: They were also of Montfort's Party, and made by that Party; and, in the Writs, 'tis only said, Venire Faciant cum Militibus, &c.

BUT tho' 'tis not certain, whether the Sheriffs, or the People did elect; yet, if the People did elect, this is highly Probable, that the Cause or Reason of their being first Represented, and of Counties, Cities and Boroughs, sending Members to Parliament, was the strong Endeavours of Montfort's Party to overbalance the Power of the Nobility and Great Men, who were then on the King's Side. To such low Beginnings, and such private Views, do we owe the Origin and Foundation of all our Liberties!

THAT this was a novel Practice, and began to serve Montfort's Turn, seems probable also from another Consideration, that King Henry, after the Battle of Evesham, in which he was Conqueror, called a Parliament at Winchester, according to the old Form and Usage, consisting only of the Barons and Great Men; and so he did in the 50th and 52d Year of his Reign, and to his Death.

EDWARD the First, his Son, as appears by several Statutes then made, and from Records, did not issue Writs for the Election of Knights, Citizens, and Burgesses; but used the ancient Way and Course of summoning, till the 18th Year of his Reign; before which Time, there appears nothing that can evince either the Summoning or Being of Parliaments according to the present Custom. In this Year, indeed, there is a Bundle of Writs directed to the Sheriffs of several Counties; and they are the most ancient extant, or perhaps, that ever were; (except that one Instance of the 49th of Henry III.) by which two or three Knights were directed to be chosen for each County. Here are the Words, in English; of one of those Writs.

EDWARD by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to the Sheriff of Westmoreland, Greeting. Whereas we have been specially petitioned and requested by the Earls, Barons, and others of the Great Men of our Kingdom, concerning certain Matters upon which we will have Conference and Treaty, as well with themselves, as with others of the Counties, we command Thee, that without Delay, thou causest to be chosen Two or

Three of the more discreet and ablest Knights for dispatch of Business, &c.

FROM this Writ we may observe, the Infancy and small Beginnings of Parliaments; 'tis probable, that the King was moved by the Earls, Barons, and Great Men of the Kingdom, to call those Knights to this Parliament; and that as the Writ of Summons is the first to be found (except the 49th of Henry III.) so it probably was the first Writ that ever was in Being, for the Election of Knights to represent the several Counties: 'Tis also observable, that there were no Citizens, nor Burgesses, by virtue of this Writ, as there were afterwards by Directions contained in the Writs sent to the Sheriffs for electing Knights of the Shire.

BUT so much for this Writ; from which, and the Variation of the following Writs, and other Records, it is most evident, that the House of Commons arrived at its present Strength and Authority, by many Occasions and Circumstances, too long to be inserted here: But, thus much we were obliged to insert, to shew the Falseness of every Thing the Craftsman hath advanced about the Antiquity of Parliaments (Parliaments chosen by the People, I mean) and the ancient Constitution.

WE might go on to shew, that after the People had got some Property, and had obtain'd a Parliament in its present Form, yet, they were without Liberty; that, whatever Changes happened in the Government, those Changes were nothing more than from one Tyrant, or one kind of Tyranny to another: That, with regard to the Persons of Tyrants, indeed, there were glorious and inglorious, slothful and active, successful and unsuccessful Tyrants; but, never a Cessation or Relief from one sort or other: Sometimes it was a Regal Tyranny of the Prince; sometimes the Aristocratical Tyranny of the Barons; sometimes the Ecclesiastical Tyranny of the Clergy; and sometimes all together in their different Jurisdictions. In a Word, there was so little Appearance of Liberty of any kind among the People, till the Power of the Barons, and the Church, was broke by Henry VII. and Henry VIII. that (to use the Language of an Ingenious Author) I never heard any Man harangue with Enthusiastic Encomiums, on the Liberty of Old England, but I am ashamed of my Ancestors for deserving those Encomiums so little; or, of my Contemporaries for bestowing them so ignorantly.

IN my next, I shall conclude these Discourses on the ancient Constitution, by considering the Progress of Liberty, till it happily arrived at its Journey's End by the Revolution; or at least, approached so near, that it may take its Rest; and then travel on, by easy Stages, without Labour or Anxiety, till it reaches the Consummation of all its Wishes.

F. OSBORNE.

L O N D O N.

Yesterday Morning died at his House at Richmond in the County of Surry. — Wilton, Esq; 'Tis said he was worth 1500 l. per Annum.

The same Morning a great Quantity of Lace and other Goods were seized by the Officers of his Majesty's Customs, at a House in Crown Court, St. Ann's, Soho, and carried to the Custom-house.

Last Thursday William Swinton of Weymouth, Esq; was married to Miss Howard, an Heiress of 20,000 l. Fortune.

On Monday next John Kirby, Esq; a Gentleman of 4000 l. per Annum in the County of Kent, is to be married to Miss Bentley, Daughter of Frederick Bentley of Oxford, a Beautiful young Lady, with a Fortune of 25,000 l. and 400 l. per Annum.

Yesterday the Right Hon. the Lord Archibald Hamilton, one of the Lords Commissioners of the Admiralty, gave a very elegant Entertainment at his Seat at Henley upon Thames, to his Royal Highness the Prince of Wales, and to several other Persons of the first Rank.

The same Day a Boat going from Chelsea to Richmond, was overlet near Barn Elms, and one of the Watermen drowned.

Her Grace the Duchess of Newcastle is dangerously ill at her Grace's House in Lincoln's-Inn Fields.



This Night her Grace the Dutchess of Chandos is to be privately Interred in the Burial Vault of that most noble Family, in Whitchurch Chapel near his Grace's Seat at Cannons.

Last Tuesday the Assizes ended at Salisbury on the Crown Side for the County of Wilts, before the Lord Chief Justice Hardwick, when three Persons were Capitally Convicted; one for the Highway, one for Burglary, and one for Horse-stealing. And

The same Day his Lordship set out from thence on his Way to Dorchester; but Mr. Justice Fortescue not finishing on the other Side till late, set out on Wednesday Morning to meet his Lordship, to hold the Assizes at the same Place.

They write from Basingstoke, that the Coroner's Inquest late upon the Body of Mrs. Prince, who was found murdered at a Farmer's House in that Neighbourhood a few Days ago; and after examining several Witnesses, and two Surgeons, who viewed the Body, the Farmer ran away before the Jury brought in their Verdict, which was wilful Murder by the Husband.

A curious fine Monument, to the Memory of the late Lord Raymond, is now finished by the famous Mr. Chair of Westminster, in order to be erected in Langleybury Church, in the County of Hertford; under which is to be the following Inscription:

M. S.
Honoratissimi Viri Roberti Raymond
Baronis de Abbots Langley
Cujus Meritis Raro Exemplo Respondit Fortuna
Honesto enim Loco natus
Literisque Humanioribus Prima aetate Excultus
Universam Juris Scientiam Cui sese addixerat
Tanta Ingenii facilitate Complexus Est
Ut Inter Praecipuos Caesarum Patronos
Brevi Tempore Haberetur
In Quo Munere Exequendo
Cum Pari Fide Solertia atque Gravitate
Indies Magis Magisque Inclauisset
Ad Diversos Juris Honores Gradatim ascendit
Donec augustissimum Principum Georgii I et II iussu
Capitalis Angliae Justiciarius Constitutus
Mox ut Ubiorem Virtutis suae fructum Caperet
In amplissimum Procerum Ordinem
Cooptatus Est
Uxorem Duxit Annam Edwardi Northey Militis filiam
Foeminam Lechissimam Ex quibus Nuptiis
Unicus sibi Filius Robertus
Patriae Virtutis Pariter ac Dignitatis
Haeres Remanet Superstes
Religionis Reformatae Cultor Verus ac Fautor
Principis Civiumque Juris Ex Aequo Vindex Acerrimus
Fidus Amicis Liberalis Pauperibus Cunctis Benevolus
Ecclesiae Patriae Bonisque Omnibus
Magno sui Desiderio Relicto
Fatis Concessit xv Kal Aprilis A C MDCCLXXXII,
Aetatis suae LX.

Yesterday Bank Stock was 137 1-half. India 145. South Sea 82 to 1-4th, for the Opening. Old Annuity 105 7-8ths. New ditto 106 1-half, for the Opening. Three per Cent. Annuity 94, for the Opening. Royal Assurance 95 1-half. London Assurance 12 1-4th. African 15. India Bonds 41. 14s. Premium. Three per Cent. ditto 21. 12s. Premium. S. Sea Bonds 21. 16s. Premium. Bank Circulation 81. Prem. Salt Tallies 31. Prem. English Copper 21. 2s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 11. 10s. to 21. per Cent. Discount.

Custom-House, London 18 July, 1735.
For SALE,
By Order of the Honourable Commissioners of his Majesty's Customs, &c.

ON Wednesday the 30th July, 1735. at 3 o'Clock in the Afternoon, will be exposed to Sale, by Auction, in the Long Room at the Custom-House, London, Eighty-one Casks of Refused Wines, which are to be distilled into Brandy, or made into Vinegar, within 3 Months after the Delivery for which a sufficient Security is to be given by Bond, to be cancelled on producing a proper Certificate from the Officers of Excise.

And likewise at the same time will be exposed to Sale, a Parcel of prohibited East-India Goods, to be exported, for which the Buyer is to pay down in Part Five Guineas each Lot, to be cancelled on producing a proper Certificate from the Officers of Excise.

And at the same Time will also be exposed to Sale, Twenty-nine Hogsheads of Tobacco.

Catalogues to be had at the King's Warehouse, and the Goods to be seen on Monday the 28th, Tuesday the 29th, July Instant, and on Wednesday Morning before the Sale.

LONDON: Printed for T. COOPER, at the Globe in Pater-noster-Row.

The LONDON JOURNAL
WHICH was advertised to be Dropp'd,
in order to introduce a New Paper in its Place, continues to be published, as usual, by J. PEELE, one of the Principal Proprietors thereof, at LOCKE'S Head in Amen-corner, Pater-noster-row. Where Advertisements are taken in.

In This Day's Paper, N^o 838.

Are Contained,
OBSERVATIONS on the famous Story related by Lord Clarendon and other Historians, of the Apparition of Sir George Villiers, Father of the Great Duke of Buckingham, giving Warning of the fatal Catastrophe which befel him.

With the freshest Advices, Foreign and Domestic, as also an Account of Deaths, Marriages, Preferments, Irish, Scots and Country News: Digested in a more careful Manner than heretofore.

July 22. 1735.

AT Night stolen out of the Ground of
Mr. John White, a Farmer near Brentwood in Essex, a bright Bay Mare, about 13 Hands and a half high, a Black Main and Tail, ring'd up for fear of a Horse, a White Star in her Fore-head about the Bigness of a Crown Piece: Whoever brings Tydings of the said Mare, so that she may be recovered, to Mr. Thompson at the Red-Lion-Inn in White-chapel, or to Mr. John Brooke at the White-Hart Inn in Brentwood, Essex, shall receive a Guinea Reward, and no Questions asked.

BOOKS printed for T. WOODWARD, at the Half-Moon between the two Temple Gates in Fleet-street.

THE HISTORY of the Conquest of Mexico by the Spaniards. Done into English from the original Spanish of Don Antonio de Solis, Secretary and Historiographer to his Catholick Majesty, by Thomas Townshend, Esq; in Folio.

The HISTORY of Japan. Giving an Account of the ancient and present State and Government of that Empire; of its Temples, Palaces, Castles, and other Buildings; of its Metals, Minerals, Trees, Plants, Animals, Birds, and Fishes; of the Chronology and Succession of the Emperors Ecclesiastical and Secular; of the Original, Descent, Religion, Customs, and Manufactures of the Natives, and of their Trade and Commerce with the Dutch and Chinese: Together with a Description of the Kingdom of Siam. Written in High-Dutch by ENOCHS KAMPER, M. D. Physician to the Dutch Embassy to the Emperor's Court, and translated from his original Manuscript, never before printed, by J. G. SCHUCHER, F. R. S. and Member of the College of Physicians in London, with the Life of the Author, and an Introduction. To which is added, Part of a Journal of a Voyage to Japan, by the English, in the Year 1673. Illustrated with many Copper Plates. In Two Volumes in Folio.

A de la MONTAGNE'S TRAVELS through Europe, Asia, and into Part of Africa: Containing a great Variety of Geographical, Topographical, and Political Observations on those Parts of the World, especially on Italy, England, Turkey, Greece, Crim and Noghian Tartaries, Germany, Sweden, Norway, Lapland, Denmark, and Holstein; on their Productions, Trades, Manufactures, Cities, Colonies, and on what is most curious in Nature, Art, and Antiquities in these Countries; and on the Genius, Manners, and Customs of the Inhabitants; with an historical Account of the most considerable Events, which happened during the Space of above Twenty-five Years spent in those Travels; such as a great Revolution in the Ottoman Empire, by which the Sultan was deposed; the engaging of the Russian and Turkish Armies on the Pruth; the late King of Sweden's Flight from Pultowa to Bender; his Death, and the Princess Ulrica's Accession to the Throne; her generous Resignation of it to her Consort the present King; and in fine, all the chief Transactions of the Senate and the States of Sweden, till the Peace with Russia. Illustrated with Fifty proper Cuts, representing a great many rare and valuable Pieces of Curiosity, both ancient and modern, as Pontifical and Patriarchal Crowns, Eastern and Northern Dresses, most precious Vessels, Idols, Altars, Sacrifices, Medals, &c. Plans of Towns, Camps, Battles, and Mines; new and accurate Maps of the Mediterranean, Black, Caspian, and Baltic Seas, with the Countries adjacent. Revised by the Author, with the Addition of two new Cuts. In Two Volumes in Folio. To which is prefixed, an Answer to Innuendoes and Imputations of an unfair Critick.

The History of Queen Anne, wherein all the Civil and Military Transactions of that Memorable Reign are faithfully compiled from the best Authorities, and impartially related: The whole intermixed with several authentic and remarkable Papers; together with all the important Debates in Parliament: A complete List of the most Eminent Persons who died in the Course of this Reign; with proper Characters of those who render'd themselves most conspicuous in Church and State. Illustrated with a regular Series of all the Medals that were Struck to commemorate the great Events of this Reign, with a Variety of other useful and ornamental Plates. By Mr. A. Boyer.

This Day is published,
THE FIFTH EDITION, of

A SERMON preached before the Learned Society of Lincoln's-Inn, on January the 30th, 1732, from Job xxxiv. 30. That the Hypocrite reigns not, left the People be enquired. By a Layman.

Printed for J. PEELE in Amen-Corner, Pater-noster-Row. Price 1s.

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The CONTENTS.

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To the memory of a friend.

To a Gentleman on his marriage: by Mr. CON-CANEN.

A cramo on Ballyspellan.

The 8th ode of the 4th book of Horace: addressed to Dr. Towne: by Mr. CON-CANEN.

A familiar Ode for the new year; addressed to Edw. Rooks, Esq; by the same.

The humble address of his majesty's ship Orford, 1727.

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Veres occasioned by the foregoing epistle.

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A fable, addressed to the Ld. Viscount Mont-cassel.

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An epistle to Ld. Carteret, &c. by Dr. D.-S.

The Dangler.

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From Words so sweet new Grace the Notes receive, And Musick burrows Helps she used to give.

II. PHILIPS'S PLAYS, viz. The Distrest Mother, the Briton, and Humphry Duke of Gloucester. Price bound 3s.

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